

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1 and 3-31 are pending in the application, with claims 1, 4, and 24-27 being the independent claims. Claim 2 is sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 1, 4-6, 11, 24-27, and 29 are sought to be amended for clarity. Support for the amendments is found in U.S. Publication No. 2002/0138423 to Takatori *et al.* at least at, for example, paragraphs [0005], [0010], [0011], [0047], [0051] - [0055] and FIG. 3. Claim 29 is sought to be amended to correct a typographical error. Applicants reserve the right to prosecute similar or broader claims, with respect to the cancelled and amended claims, in the future. These changes are believed to introduce no new matter, and their entry is respectfully requested.

These amendments should be entered after final because they merely clarify implicit features and/or incorporate features from previously pending claim 2 into the independent claims. Thus, none of the amendments require further search or consideration by the Examiner, and the amendments place the claims in better condition for allowance and/or reduce the issues for appeal.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Statement of Substance of Examiner Interview

Further to the Interview Summary mailed January 19, 2010, Applicants submit the following Statement of Substance of Interview conducted between the Examiner and Applicants' representative, Randall K. Baldwin, on January 14, 2010. Applicants' representative gratefully acknowledges the courtesies extended to him by the Examiner in granting a telephone interview on January 14, 2010. During the Interview, the Examiner clarified her comments regarding her interpretation of the teachings of the applied references. In particular, the Examiner clarified her comments regarding independent claims 1, 4, and 24-27 and the Examiner's interpretation of the teachings of Chasko and Joao. Applicants' representative discussed distinctions between claims 1, 4, and 24-27 and the applied references. Applicants' representative additionally discussed suggested claim language to convey the aforementioned distinctions between the applied references and the claims, but no specific agreement was reached. The Examiner agreed with proposed amendments, including to claims 1, 4, and 24-27, to overcome the rejections of claims 1-31 under 35 U.S.C. § 112, first and second paragraphs. Additional substance of the discussion and arguments in the Interview is included in the present remarks.

Rejections under 35 U.S.C. § 112

Claims 1-31 were rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Claims 1-31 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. As discussed during the aforementioned Interview, Applicants have amended claims 1, 4, and 24-27 to

accommodate the rejections of the Examiner, but without conceding the propriety of the rejections. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw these rejections.

Rejections under 35 U.S.C. § 103

Claims 1, 4, and 24-27

Claims 1-6, 11, and 24-31 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Pat. No. 6,738,749 to Chasko ("Chasko") in view of U.S. Pat. No. 6,047,270 to Joao *et al.* ("Joao"). Applicants respectfully traverse this rejection and the Response to Arguments section on page 3 in paragraph 4 of the Office Action.

The cancellation of claim 2 renders the rejection of this claim moot.

Without acquiescing to the propriety of the rejection, independent claims 1, 4, and 24-27 were clarified to recite features that distinguish over Chasko and Joao. For example, claim 1 as amended herein recites, *inter alia*:

an authentication device configured to authenticate the customer ID information, the transfer source store account information, and the store ID information by communicating with a second authentication management apparatus of an authentication manager, wherein the second authentication management apparatus is configured to receive customer account information of a customer account into which the monetary amount is to be deposited[.]

Further, for example, claim 4 as amended herein recites, among other features:

an authentication management apparatus that ***authenticates the store ID information, the transfer source store account information, and the customer ID information*** by communicating with a second authentication management apparatus of an authentication manager, wherein the second authentication management apparatus is configured to receive customer

account information of a customer account into which the monetary amount is to be deposited.

Also for example, claims 24 and 26 as amended herein recite, using respective similar language:

authenticating, using the processing device, ***the customer ID information, the transfer source store account information, and the store ID information*** by communicating with an authentication management apparatus of an authentication manager, wherein the authentication management apparatus is configured to receive customer account information of a customer account into which the monetary amount is to be deposited[.]

Further, for example, claim 25 and 27 as amended herein, recite, among other features:

an authentication management apparatus that ***authenticates the store ID information, the transfer source store account information, and the customer ID*** information by communicating with a second authentication management apparatus of an authentication manager, wherein the second authentication management apparatus is configured to receive customer account information of a customer account into which the monetary amount is to be deposited.

Chasko discloses that “the POS [Point-of-Sale] system software ***validates the authenticity of the original purchase transaction*** by comparing the data on the customer smart card to the corresponding data record on a store controller” (Chasko, col. 4, lines 38-42 and FIG. 3). In contrast to the above-noted distinguishing features of claims 1, 4, and 24-27, Chasko discloses that a “[p]rocess 700 is used to ***authenticate the merchant secure medium to the customer secure medium.***” (Chasko, col. 7, line 53 - col. 8, line 17) (emphasis added). Chasko discloses that “the POS system software queries a central database facility for the transactional data.” (Chasko, col. 4, lines 51-53 and FIG. 3). However, Chasko fails to teach or suggest the claimed authenticating the store ID

information, the transfer source store account information, and the customer ID information by communicating with a second authentication management apparatus of an authentication manager. Rather, Chasko's "central database facility" containing "transactional data" is not analogous to the claimed ***second authentication management apparatus*** of an authentication manager, wherein the second authentication management apparatus is configured to receive customer account information of a customer account into which the monetary amount is to be deposited.

As discussed during the aforementioned Interview, Applicants submit that Chasko is limited to validating "the authenticity of the ***original purchase transaction*** by comparing data on the customer smart card to the corresponding data record on a store controller" and "***processing returned merchandise using the data*** contained on a customer smart card and merchant smart card ***only***." (Chasko, col. 4, lines 27-43 and col. 5, lines 1-3). Therefore, instead of authenticating, using the processing device, ***the customer ID information, the transfer source store account information, and the store ID information*** by communicating with an authentication management apparatus of an authentication manager, wherein the authentication management apparatus is configured to receive customer account information of a customer account into which the monetary amount is to be deposited, as recited, using respective similar language, in claims 1, 4, and 24-27, Chasko is limited to "validating the authenticity of the ***original purchase transaction***" using a "data record on a ***store controller***" and "authentica[ing] the merchant secure medium ***to*** the customer secure medium" (Chasko, col. 4, lines 38-42 and col. 7, line 53 - col. 8, line 17) (emphasis added).

With reference to formerly pending claim 2, the Examiner states, to which Applicants do not acquiesce, that Chasko discloses “wherein the receiver is configured to receive transfer source store account information and the transfer device is configured to transfer the money from an account indicated by the transfer source store account information” in the Background section and in column 10, line 61 through column 11, line 23. (Office Action, page 7). Applicants respectfully disagree. Chasko generally describes POS systems wherein “[w]hen a customer presents *an item for return* to the store of original purchase, the retailer will typically attempt to verify the validity *of the receipt* by finding the transaction on the POS system.” (Chasko, col. 1, lines 46-49) (emphasis added). Chasko discloses that a “verification process is used to *check the validity of a customer receipt* when a customer *presents merchandise to be returned* to the merchant.” (Chasko, col. 10, lines 64-67). However, nowhere does Chasko disclose the claimed authenticating the customer ID information, the transfer source store account information, and the store ID information by communicating with an authentication management apparatus of an authentication manager, wherein the authentication management apparatus is configured to receive customer account information of a customer account into which the monetary amount is to be deposited. Further, even assuming *arguendo* that the Examiner’s interpretation of Chasko’s verification process for checking validity of a customer receipt is correct, Chasko does not teach or suggest that a customer receipt for merchandise to be returned includes “transfer source store account information,” as recited in claims 1, 4, and 24-27.

The Examiner acknowledges that Chasko fails to disclose use of a receiver configured to receive customer ID information from a customer mobile communication

device, as recited, using respective language, in claims 1, 4, and 24-27. Rather, the Examiner relies on Joao to allegedly cure the acknowledged deficiencies of Chasko. The Examiner asserts, to which Applicants do not acquiesce, that Joao teaches “a receiver (central processing computer) configured to receive customer ID information from a mobile communication device.” (Office Action, page 7). However, the Examiner does not use Joao to teach, nor does Joao teach, at least the above-noted distinguishing features of amended claims 1, 4, and 24-27. Further, Joao and Chasko, alone, or in the allegedly obvious combination, do not teach or suggest at least a receiver configured to receive customer ID information from a customer mobile communication device, store ID information, transfer source store account information, and monetary amount information from a store communication terminal, as recited, using respective similar language, in claims 1, 24, and 26. Thus, as Joao cannot be used to cure the deficiencies of Chasko, the applied references cannot be used to form a *prima facie* case of obviousness for claims 1, 4, and 24-27.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. § 103(a) rejection of claims 1, 4, and 24-27 and pass these claims to allowance. Also, at least based on its dependency to claim 1, claims 3 and 28-31 should be found allowable over the applied references, as well as for their individual respective distinguishing features. See *In Re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) and M.P.E.P. § 2143.03. Additionally, at least based on their respective dependencies to claim 4, claims 3-6 and 11 should be found allowable over the applied references, as well as for their additional distinguishing features.

Claims 7, 12, 16, and 20

Claims 7, 12, 16 and 20 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable Chasko in view of Joao and further in view of U.S. Pat. No. 4,625,276 to Benton *et al.* ("Benton"). (Office Action, page 9).

At page 9 of the Office Action the Examiner asserts, which Applicants do not acquiesce to, that Benton teaches "the use of a mobile terminal" and that "it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to use a mobile communications terminal to speed up account accessibility." However, Benton is not stated by the Examiner to teach, nor does Benton teach or suggest, at least the above-noted distinguishing features of independent claim 4. Thus, as Benton cannot cure the deficiencies of Chasko and Joao, the applied references cannot be used to form a *prima facie* case of obviousness for claim 4.

Accordingly, at least based on their respective dependencies to claim 4, claims 7, 12, 16, and 20 should be found allowable over the applied references, as well as for their additional distinguishing features.

Claims 8-10, 13-15, 17-19, and 21-23

At page 10 of the Office Action claims 8, 13, 17, and 21 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chasko in view of Joao, and further in view of U.S. Pat. No. 6,085,176 to Woolston ("Woolston"). Claims 9, 14, 18, and 22 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chasko in view of Joao, and further in view of U.S. Pat. No. 6,012,048 to Gustin *et al.* ("Gustin"). Claims 10, 15, 19, and 23 were rejected under 35 U.S.C. § 103(a) as being allegedly

unpatentable over Chasko in view of Joao, and further in view of U.S. Pat. No. 6,266,647 to Fernandez ("Fernandez") (Office Action, page 11). Applicants respectfully traverse.

The Examiner alleges, which Applicants do not acquiesce to, that Woolston teaches "the use of a terminal at a pawnshop." (Office Action, page 10). However, the Examiner does not use Woolston to teach, nor does Woolston teach, at least the above-noted distinguishing features of independent claim 4. Thus, as Woolston cannot be used to cure the deficiencies of Chasko and Joao, the applied references cannot be used to form a *prima facie* case of obviousness for claim 4.

Accordingly, at least based on their respective dependencies to claim 4, claims 8, 13, 17, and 21 should be found allowable over the applied references, as well as for their additional distinguishing features.

At page 10 of the Office Action the Examiner states, to which Applicants do not acquiesce, that Gustin teaches "the use of a lottery money-exchanging booth." However, Gustin is not stated by the Examiner to teach, nor does Gustin teach or suggest, at least the above-noted distinguishing features of claim 4. Thus, as Gustin cannot be used to cure the deficiencies of Chasko and Joao, the applied references cannot be used to form a *prima facie* case of obviousness for claim 4.

Accordingly, at least based on their respective dependencies to claim 4, claims 9, 14, 18, and 22 should be found allowable over the applied references, as well as for their additional distinguishing features.

The Examiner states, to which Applicants do not acquiesce, that Fernandez teaches "the use of a Panchinko [sic – pachinko] parlor." However, the Examiner does not use Fernandez to teach, nor does Fernandez teach, at least the above-noted

distinguishing features of independent claim 4. Thus, as Fernandez cannot be used to cure the deficiencies of Chasko and Joao, the applied references cannot be used to form a *prima facie* case of obviousness for claim 4.

Accordingly, at least based on their respective dependencies to claim 4, claims 10, 15, 19, and 23 should be found allowable over the applied references, as well as for their additional distinguishing features.

Other Matters

The Examiner is thanked for the indication, at page 2 of the Office Action, that the rejection of claims 24-27 under 35 U.S.C. § 101 has been withdrawn.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Reply to Office Action of December 23, 2009

TAKATORI *et al.*
Appl. No. 10/089,122

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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